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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,378	12/08/2003	Herbert Boegge	028987.52721US	8159
23911	7590	11/03/2005	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			WEBB, TIFFANY LOUISE	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/729,378	BOEGGE ET AL.	
	Examiner	Art Unit	
	Tiffany Webb	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/8/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 2a, 4, and B.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Ze, moved-in condition.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: In paragraph 2, there are blanks where there is reference to another US patent application. The examiner suggests deleting paragraph [0002].

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 10 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10 and 21 are unclear as to what is meant by "a belt line." As best understood, the examiner takes "belt line" to mean the top of the door, as disclosed in the specification at paragraph [0015].

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2, 6-13, 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Taguchi et al. (US 5,316,336). Regarding claims 1, 11, and 12, Taguchi et al. discloses a safety system in a motor vehicle with a door and a door window (see Figure 8), including a protective bag which can be filled with gas (36) and is folded when deflated and is immersed fully in the door body (see Figure 8) and when inflated extends along an interior side of the door window and inflates in the direction of the roof in order to protect a head region of an adjacent sitting occupant (see Figure 12). Regarding claims 2 and 13, Taguchi et al. discloses a protective bag constructed so that a wall of the protective bag facing away from the door window, in the inflated condition, extends approximately parallel to the door window (36 in Figure 12). Regarding claims 6 and 17, the protective bag emerges by way of a door covering (60a) during inflation. Regarding claims 7 and 18, Taguchi et al. discloses a gas lance (68), also known as a gas conduit or gas nozzle, attached to the folded protective bag. Regarding claims 8 and 19, Taguchi et al. discloses having the folded protective bag and the gas lance fastened to a carrier (see Figure 8) in the door. Regarding claims 9 and 20, Taguchi et al. discloses a gas generator (28) housed adjacent to the constructional unit of the protective bag and gas lance. Regarding claims 10 and 21, Taguchi et al. discloses a protective bag that emerges adjacent to the top of the door (See Figure 9).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3-5 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi et al. (US 5,316,336) in view of Haland et al. (US 5,788,270). Taguchi et al. is discussed above and fails to disclose hollow-body-type sections with the same cross-section and extending an identical distance in the vertical direction of the vehicle. Regarding claims 3 and 14, Haland et al. teaches to use parallel elongated cells in order to provide tensioning on the air bag system (col. 6, lines 59-61). Further regarding claims 4 and 15, Haland et al. discloses having hollow-body-type sections which are approximately the same cross section (See Figures 7 and 8). Further regarding claims 5 and 16, Haland et al. discloses having hollow-body-type sections extending an identical distance vertically (See Figure 6, 49 and 40). It would have been obvious to a person having ordinary skill in the art at the time of the invention to use hollow-body-type sections with approximately the same cross section that are the same distance vertically in the air bag system of Taguchi et al. in view of the teachings of Haland et al. in order to allow for tension in the air bag so that it does not move or bounce during inflation and to fully protect the head of the passenger.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are air bags enclosed in vehicle door structures: Steffens, Jr et al. (US 5,524,924), Yamanishi et al. (US 5,544,913), Numazawa et al. (US 5,718,449), Specht et al. (US 5,984,348), Heinz et al. (US 6,073,959), Akakida et

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al. (US 6,378,896), Olson et al. (US 5,324,072), and Inoue et al. (JP 08072658 A). The following are side impact air bags with sections: Karlow et al. (US 5,588,672) and Breed (US 6,715,790).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.

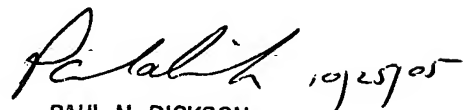
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tiffany Webb
Examiner
Art Unit 3616

tlw



PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600